

REMARKS

Attorney for Applicant has carefully reviewed the outstanding Office Action on the above-identified application. Applicant has amended the application as set forth above, and respectfully submits that the application, as amended, is in condition for allowance.

Applicant submits herewith a copy of FIG. 1, marked up in red ink, to show reference numeral 28.

Applicant has amended the claims to address the informalities set forth in the Office Action. Applicant has also amended the claims to overcome the references relied on for rejection of the claims in the Office Action. Applicant notes that claims 15-17 and 20 are allowed. Applicant also notes that claims 2 and 4-6 are indicated as having allowable subject matter.

Applicant's claimed invention, as set forth in amended claim 1, includes a body housing having a front and a rear end, a head assembly including a head and neck interconnected with the front end of the body housing, and a connection means for connecting the head assembly to the body housing **to allow for movement through a range of motion and counterbalancing means including an arm connected to the neck at one end, and a weight at the opposite end for balancing the head assembly in a neutral position within the range of motion with respect to the body housing at the connection means.**

Applicant's claimed invention, as set forth in new claim 21, is directed to a decoy apparatus including a body housing have a front and rear end; a head assembly interconnected with the front end of the body housing, the head assembly comprising a head and neck; connection means for connecting the head assembly to the body housing which allows for movement of the head, by wind, **both up and down and side to side with respect to the body housing**; and counterbalancing means including an arm connected to the neck at one end and a weight at the opposite end for balancing the head assembly with respect to the body housing at the connection means.

Applicant respectfully submits that none of the references of record in this application teach or suggest all of the elements of claim 1, as amended, pending claims 2 and 4-9 that depend from claim 1, or new claim 21 and new claims 22-28 that depend from claim 21.

Thorsnes, Jr., U.S. Patent No. 3,927,485, discloses a buoyant water fowl decoy with an attached string and pulley system. The string can be manually pulled by a person, causing the head and neck portion of the decoy to pivot about the body downward, about a single horizontal axis with respect to the body housing, toward the water, to simulate feeding. The head and neck portion is otherwise biased in an upright position by a resilient material such as a rubber band or spring, and prevented from movement except by manipulation of the attached string.

Lanius, U.S. Patent No. 5,274,942, discloses a decoy having a pivotally mounted head interconnected with a weight inside the body. The weight normally biases the head to a raised position. A string is interconnected with the weight to allow for the manual movement of the head and neck. Movement of the head/neck, can only be achieved by manually overcoming the weight bias, i.e., by pulling on the string to pivot the head in a horizontal direction about a single axis with respect to the body housing.

McKinney, U.S. Patent No. 4,965,953, discloses a remote controlled turkey decoy with a head/neck assembly which can be manually pivoted downwardly by an attached string. The decoy can manipulated between first and second positions to simulate feeding. The head/neck assembly can only be pivoted horizontally along a single axis relative to the stand which affixes the decoy to the ground.

Neither Thorsnes, Jr., Lanius, nor McKinney teach or suggest a decoy, as claimed in amended claim 1, and the claims that depend therefrom, which includes connection means for connecting the head assembly to the body housing which allows for movement of the head **through a range of motion by wind** and counterbalancing means including an arm connected to the neck at one end and weight at the opposite end for balancing the head assembly **in a neutral position within the range of motion** with respect to the body housing.

Further, neither Thorsnes, Jr., Lanius, nor McKinney teach or suggest a decoy as claimed in new claim 21, and the new claims that depend therefrom which include connection means for connecting the head assembly to the body housing **which allows for movement of the head, by wind, both up and down and side to side with respect to the body housing.**

Accordingly, Applicant respectfully submits that amended claim 1 and claims 2 and 4-9 that depend therefrom, and new claim 21 and new claims 22-28 that depend therefrom, are novel and non-obvious because they include the limitations that are neither taught nor suggested by Thorsnes, Jr., Lanius, nor McKinney, taken either alone or in combination.

The Examiner has further cited Balmer, U.S. Patent No. 5,191,730, in view of all three of the above listed patents, as rendering claim 9 obvious. Balmer discloses a wing attachment for a bird decoy comprising a flexible material which can be attached to the body of the decoy with Velcro. Wind blowing against the flexible material causes movement thereof, simulating movement of the decoys wings. Because the elements of the independent claims are not taught or suggested by these references, it is respectfully submitted that dependent claim 9 is likewise novel and non-obvious in view of these references.

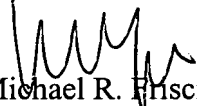
Accordingly, Applicant respectfully submits that none of the references relied on in the Office Action, taken either alone or in combination, teach or suggest all of the elements of Applicant's claimed invention.

Applicant respectfully submits that claims 3 and 10-14, which depend from claim 1, and claims 18-19, which depend from claim 15, are also in condition for allowance.

All issues raised in the Office Action are believed to have been addressed. Claims 1-2, 4-9, 15-17, 20 and 21-24 are pending in this application. Claims 15-17 and 20 have been allowed. No new matter is believed to have been entered. Reexamination is requested and favorable action solicited.

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Respectfully submitted,


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